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E-FILING

ADR

MAR 11 2008
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE

SJ
 (5)

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

GEOFFREY WELLS AND JETTSEN DICKEL,

CASE NO. C08 01382

RS

<i>MPS</i> Plaintiffs, CITY OF WATSONVILLE; CITY COUNCIL MEMBER/MAYOR KIMBERLY PETERSEN; CITY COUNCIL MEMBER MANUEL BERSAMIN; CITY COUNCIL MEMBER OSCAR RIOS; CITY COUNCIL MEMBER ANTONIO RIVAS; CITY COUNCIL MEMBER GREG CAPUT; CITY COUNCIL MEMBER EDWARD DIN; CITY COUNCIL MEMBER DALE SKILLICORN; CITY DIRECTOR JOHN DOUGHTY; AND DOES 1 - 15,) COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND DAMAGES - VIOLATION OF CONSTITUTIONAL RIGHTS
Defendants.) DEMAND FOR JURY TRIAL

Plaintiffs GEOFFREY WELLS and JETTSEN DICKEL, allege as follows:

JURISDICTION AND VENUE

1. This action arises under the Civil Rights Act of 1871 (42 U.S.C. Sections 1983 and 1988) and the First and Fourteenth Amendments to the Constitution of the United States. This Court has jurisdiction of the federal claims under 28 U.S.C. Sections 1331, 1332, 1343(3), 1343(4), 2201, and 2202. This court has pendent jurisdiction over the state law claims.

2. Venue is proper in the Northern District of California, San Jose Division

1 pursuant to 28 U.S.C. section 1391, in that the subject matter of this action arose in this
 2 district, all Defendants are subject to personal jurisdiction in this district, and there is no
 3 district in which the action may otherwise be brought.

4 **PARTIES**

5 3. Plaintiff GEOFFREY WELLS ("WELLS") is, and at all relevant times herein
 6 was, a resident of the County of Santa Cruz, State of California, who wishes to open a tattoo
 7 studio in the City of Watsonville. Plaintiff JETTZEN DICKEL ("DICKEL") is, and at all
 8 relevant times herein was, a resident of the City of Watsonville, County of Santa Cruz, State
 9 of California who wishes to receive a tattoo at WELLS' tattoo studio when it opens in the
 10 City of Watsonville. WELLS and DICKEL are hereinafter collectively known as "the
 11 plaintiffs".

12 4. Defendant CITY OF WATSONVILLE ("CITY") is a political subdivision of
 13 the State of California.

14 5. Defendants CITY COUNCIL MEMBER/MAYOR PETERSEN
 15 ("PETERSEN"); CITY COUNCIL MEMBER BERSAMIN ("BERSAMIN"); CITY
 16 COUNCIL MEMBER DIN ("DIN"); CITY COUNCIL MEMBER CAPUT ("CAPUT");
 17 CITY COUNCIL MEMBER RIVAS ("RIVAS"); CITY COUNCIL MEMBER RIOS
 18 ("RIOS"); CITY COUNCIL MEMBER SKILLICORN ("SKILLICORN") (hereinafter
 19 collectively known as "THE CITY COUNCIL") are members of the Watsonville CITY
 20 Council; DIRECTOR JOHN DOUGHTY (hereinafter "DOUGHTY") is the Director of
 21 Community Development for the CITY; each of the foregoing and DOES 1 through 15 are
 22 sued herein in their individual and in their official capacities; in performing the unlawful acts
 23 hereafter mentioned, these Defendants conspired with each other and acted under color of the
 24 statutes, ordinances, regulations, customs and usages of the State of California, and pursuant
 25 to the official policy, custom and practice of the CITY. Each Defendant is, and was at all
 26 relevant times, the agent, employee or representative of each other Defendant; and had the
 27 legal duty to oversee the conduct of every other Defendant named.

28 6. The names and capacities of Defendants DOES 1 through 15 are unknown to
 the Plaintiffs. Each of these fictitiously named parties has acted as agent of or in concert with

1 the named Defendants in the matters referred to herein, and is responsible in some manner for
2 the damages suffered by Plaintiffs. Plaintiffs will amend this complaint to add the names and
3 capacities of such Defendants when ascertained.

4 **STATEMENT OF FACTS COMMON TO ALL CLAIMS**

5 7. In November, 2006, WELLS, desiring to open a tattoo art studio in the City,
6 and DICKEL, who wishes to receive a tattoo at WELLS' studio in the City, hired an attorney
7 to research the requirements for opening such a business in the City. After preliminary
8 research, plaintiffs' attorney discovered that there was an ordinance in the city which
9 prohibited the art of tattooing except under the supervision of a licensed physician. In
10 November, 2006, plaintiffs' attorney sent a letter to the City Attorney for Watsonville, Alan
11 Smith, with copies to each of the CITY COUNCIL members explaining that tattooing is an art
12 form and conduct subject to First Amendment protection; and as such, the city's ordinance, a
13 defacto ban on tattooing, was unconstitutional. The letter further requested that the City take
14 action to remedy the situation to avoid litigation regarding the matter.

15 8. In response, the City took action by placing a one year moratorium halting any
16 action regarding the tattoo ordinance while the council contemplated what action they should
17 take, if any. On June 26, 2007, and on August 14, 2007, a proposed amended ordinance was
18 presented to the defendants establishing requirements for opening a business in the CITY for
19 the purpose of body art and piercing activities. At the public hearings on the matter,
20 defendants RIVAS, RIOS, CAPUT and SKILLICORN expressed their personal animosity and
21 prejudices towards body art and further stated that there was no place for such an
22 establishment in the City stating that it would project the "wrong" image for the CITY.
23 RIVAS and CAPUT demeaned the tattoo artistry business as well as those who are tattooed,
24 including the plaintiff WELLS herein. The Deputy Police Chief testified at one of the
25 hearings that he had researched the issues by contacting the police departments of
26 neighboring cities with tattoo establishments and had learned that categorically, without
27 exception, the statistics showed that there was no higher crime rate in neighborhoods with
28 operating tattoo studios and that there was absolutely no correlation between the incidence of
crime and the location of tattoo establishments. Additionally, the Watsonville Chief of Police

1 declared publically in the presence of WELLS and his attorney that there was no relationship
2 between the location of tattoo studios and crime.

3 9. The proposed amendments to the tattoo ordinance, while ostensibly legalizing
4 the practice of tattooing by a non-physician, included highly restrictive zoning mandates and
5 set back requirements from schools, parks, liquor establishments and other tattoo studios that
6 effectively eliminated any potential site for a tattoo studio in the CITY. Plaintiffs objected to
7 the proposed zoning restrictions and publicly informed the defendants that the parcel map
8 provided to the CITY COUNCIL by DOUGHTY, which allegedly showed available sites for
9 tattoo studios, was inaccurate and misleading - that among other things, the sites which were
10 represented by DOUGHTY as potential tattoo studios included a gas station, a 7/11 market,
11 hotels, a moving and storage operation and private residences.

12 10. In discussing the amended ordinance, defendants RIVAS, RIOS, CAPUT and
13 SKILLICORN repeated their personal prejudices against the art of tattooing and expressed
14 their contempt for those who chose to so adorn their bodies, including the plaintiffs herein.
15 Defendant RIVAS moved to pass the ordinance only with even more stringent restrictions
16 regarding the setback requirements. When informed by DOUGHTY that such restrictions
17 would not allow for any potential site, the CITY COUNCIL ignored such advice and put it to
18 a vote. The amended ordinance did not pass. At that point, the CITY COUNCIL, repeating
19 their contemptuous views for the art of tattooing, voted to keep the old ordinance requiring
that tattooing be performed only under the supervision of a licensed physician.

20 11. On or about September 11, 2007, another public hearing was held regarding a
21 proposed amended ordinance for tattoo and body art establishments. The newly amended
22 ordinance increased the setback requirements between body art establishments and made
23 other minor changes - the zoning restrictions were the same and with the proposed increased
24 setback between studios, it left even fewer possible sites than the previous proposed amended
ordinance. Despite plaintiffs' and their attorney's stated written and oral objections at the
hearing that the zoning restrictions did not reasonably allow for any potential location for a
tattoo business, the CITY COUNCIL voted by a majority to pass the proposed amended
ordinance on or about September 25, 2007.

1 12. While the CITY COUNCIL repeatedly stated that their concerns were for the
2 health and safety of their constituents, the adopted ordinance sets out extensive health and
3 safety requirements before a tattoo studio may receive a permit (three permits are required by
4 the ordinance, including background checks and fingerprinting by the police department and
5 the requirement of classes regarding blood borne pathogens, immunizations and sterilization
6 procedures and other stringent health and safety requirements as to the operation of the studio
7 itself) which would ameliorate any genuine concerns of the CITY COUNCIL for the health
8 and safety of their constituents.. Plaintiffs do not and never have objected to such health and
9 safety requirements. The CITY COUNCIL's stated concerns are simply a ruse to cover up
10 their prejudice against the protected art form and their motive to ban such establishments
11 from the CITY - a goal which they accomplished by passing the ordinance with the zoning
12 restrictions in place knowing that there would be no sites available.

13 13. CAPUT, RIVAS and RIOS repeatedly stated on the record that their constituents
14 were opposed to allowing a tattoo studio to operate in the CITY, however, at the numerous
15 public hearings not a single person appeared to object to the legalization of tattooing in the
16 CITY, nor did any of the CITY COUNCIL members present any evidence - no letters, no
17 petitions, no emails - that any of their constituents were opposed to such legalization. In fact,
18 the only public input consisted of spontaneous comments by residents of the CITY who
19 happened to be at the hearings regarding the proposed tattoo ordinance, and all of such
comments were in favor of changing the law to allow the art of tattooing in the CITY.

20 14. WELLS is now foreclosed from opening a body art establishment, where he can
21 conduct protected First Amendment activity, and DICKEL is unable to receive a tattoo at
22 WELLS' studio, as a result of the CITY COUNCIL's passage of the tattoo ordinance that is a
23 de facto prohibition on the location of tattoo studios in the CITY by unnecessary and unlawful
24 zoning restrictions in violation of plaintiffs' constitutional rights. Defendants intended to
25 foreclose WELLS from opening a tattoo studio in the CITY and successfully achieved their
26 goal by passing an ordinance that is an effective ban on the location of such a studio in the
27 CITY.

28 15. Tattooing is an art form that has been practiced in virtually every culture on

1 the planet for thousands of years. Persons across the cultural spectrum of America have
2 tattoos. Tattooing is believed to be the most commonly purchased form of original art work
3 in the United States. Estimates of the numbers of Americans of certain age groups who have
4 tattoos range as high as 30 per cent. Individuals obtain tattoos to express the full range of
5 human emotions and beliefs, including their religious beliefs and declarations; declarations of
6 patriotism and loyalty to their country; declarations of love and devotion for parents, spouses,
7 children and lovers; beliefs about freedom, loyalty and beauty; membership in organizations
8 or branches of the military; expressions of remembrance for deceased friends and family; and
9 the entire spectrum of human beliefs and feelings.

10 16. The permanent and indelible nature of tattoos makes them unique as a form of
11 personal art. Persons obtain tattoos to demonstrate their lifelong commitment to other
12 persons, to institutions, to religious beliefs and to political or personal beliefs. No other form
13 of art can communicate this degree of commitment to such beliefs.

14 17. The artistic importance of tattoos has been described in the catalog for
15 "Pierced Hearts and True Love, a Century of Drawings for Tattoos," an exhibition of tattoo
16 art sponsored by The Drawing Center in New York City. The collection was exhibited at The
17 Drawing Center; Williams College Museum of Art, Williamstown, Massachusetts; the Joan
18 Lehman Museum of Contemporary Art, Miami, Florida; and the Center for the Arts at Yerba
19 Buena Gardens, San Francisco, California in 1995 and 1996. The catalog for that exhibition
20 notes that: "Tattoos generally function as psychic armor. Often the marker of a state of mind
21 or events, meaning is accrued with time, the bearer explains the mark's significance and the
22 story of how and where it was acquired. Much of the symbolism or meaning cannot be
23 articulated and is private to the wearer, as is every artwork to its creator or collector. By
willing it to be placed on the body, the tattoo collector literally becomes one with the art."

24 18. Tattoo artists develop and become known for their own individual styles and
25 forms. Tattoo artists are the subjects of exhibitions and magazine articles describing their
26 individual works and styles. Tattoo artist develop followings and persons seek them out.

27 19. Tattooing has been associated with religious beliefs since antiquity. Religious
28 expression remains a common subject of tattoo art. For example, tattooing has been

associated with Christianity since Biblical times. Oriental, African and European mythology also provides sources for much of the tattoo art. One currently popular form of tattoo art called "moko" is based on Maori ritual art and consists of abstract, geometric monotonic patterns. Numerous respected and legitimate art museums have held exhibitions of tattoo art. Likewise, numerous scholarly art books have been published about the art of tattooing.

20. Rather than reducing health risks caused by tattooing, the present CITY statutory scheme which effectively bans tattoo studios in the CITY has promoted an underground tattoo industry with no licensing, regulations or controls, thereby increasing the health and safety risks of the residents of Watsonville who wish to obtain a tattoo in the CITY.

CLAIM FOR RELIEF NUMBER ONE

VIOLATION OF 42 U.S.C. SECTION 1983

(Violation of First and Fourteenth Amendments)

21. Plaintiffs refer to and incorporate herein the allegations in paragraphs 1 through 20 above.

22. The defendants have intentionally, or with reckless disregard for the truth, violated plaintiffs' right to conduct First Amendment activity of tattooing or to receive a tattoo within its boundaries. The CITY accomplished such a de facto ban on tattooing by adopting a zoning ordinance that forecloses or severely limits the location of such activity. Plaintiffs have visited every place in the CITY where it would be legal under the ordinance to conduct such a business and there are no suitable locations available. As such the ordinance has effectively denied plaintiffs a reasonable opportunity to open and operate a tattoo studio or receive a tattoo in violation of plaintiffs' First Amendment rights. Defendants passed the ordinance for the predominant purpose of suppressing plaintiffs' First Amendment rights

23. The CITY has no rational basis for such restrictive zoning in that there is no secondary effect of crime associated with the location of a tattoo studio and the CITY COUNCIL was so informed by the CITY Deputy Police Chief. As such, the ordinance does not further any substantial or rational governmental interest. Any concern for the health and

1 safety of the patrons of a tattoo studio have been foreclosed by the rigorous requirements for
 2 obtaining a use permit to open and operate such a studio - requirements to which plaintiffs
 3 made it clear to the CITY COUNCIL that they have no objection.

4 24. As a direct and proximate result of defendants' unlawful actions, plaintiffs
 5 have suffered emotional distress and WELLS has suffered monetary damages including
 6 attorney's fees and loss of business revenues entitling them to compensation under 42 U.S.C.
 7 Section 1983 according to proof, as well as reasonable attorney's fees incurred in pursuing
 8 these claims under 42 U.S.C. Section 1988.

9 25. The individual defendants' conduct was outrageous; it was intentional and
 10 malicious, or at least grossly negligent. Such conduct exhibited a reckless disregard for
 11 plaintiffs' rights, causing plaintiffs humiliation and mental anguish. Plaintiffs are therefore
 12 entitled to punitive damages against the individual defendants, according to proof.

13 **CLAIM FOR RELIEF NUMBER TWO**

14 **VIOLATION OF 42 U.S.C. SECTION 1983**

15 **(Violation of Fourteenth Amendment - Equal Protection)**

16 **(All Defendants)**

17 26. Plaintiffs refer to and incorporate herein Paragraphs 1 through 25 above.

18 27. Defendants have intentionally discriminated against plaintiffs herein by
 19 treating WELLS' business differently than other businesses of a similar nature with no
 20 rational basis for such distinction. For instance, there are no such drastic zoning restrictions
 21 for businesses such as art studios or galleries. The business of a tattoo studio is the same
 22 except that the art is performed on skin instead of a canvas and the CITY has already
 23 addressed any health and safety concerns by the strict use permit requirements to which
 24 plaintiffs have no objection. Likewise, there are no such drastic zoning restrictions for
 25 businesses such as nail salons or hair salons where permanent dyes are applied to patrons'
 hair.

26 28. As a direct and proximate result of Defendants' unlawful actions, Plaintiffs
 27 have suffered emotional distress and WELLS has suffered monetary damages including
 28 attorney's fees and loss of business. Plaintiffs are therefore entitled to compensation under 42

1 U.S.C. Section 1983 according to proof, as well as reasonable attorneys fees incurred in
 2 pursuing these claims under 42 U.S.C. Section 1988.

3 29. The individual defendants' conduct was outrageous; it was intentional and
 4 malicious, or at least grossly negligent. Such conduct exhibited a reckless disregard for
 5 Plaintiffs' rights, causing Plaintiffs humiliation and mental anguish. Plaintiffs are therefore
 6 entitled to punitive damages against Defendants, according to proof.

CLAIM FOR RELIEF NUMBER THREE

(Fourteenth Amendment - Substantive Due Process)

(All defendants)

7 30. Plaintiffs refer to and incorporate herein Paragraphs 1 through 29 above.

8 31. By taking the unlawful actions as described herein, defendants have
 9 intentionally violated plaintiffs' right to substantive due process by passing the tattoo zoning
 10 ordinance which, for arbitrary, capricious, discriminatory and irrational reasons, deprives
 11 Plaintiffs of their First Amendment right to open a tattoo studio and to receive a tattoo in the
 12 CITY. WELLS is a leaseholder of a site in the CITY that is suitable in every manner except
 13 that it is not located in the one and only zone presently permitted by the ordinance to house
 14 body art studios.

15 32. As a direct and proximate result of Defendants' unlawful actions, Plaintiffs have
 16 suffered emotional distress and WELLS has suffered monetary damages including attorney's
 17 fees and loss of business. Plaintiffs are therefore entitled to compensation under 42 U.S.C.
 18 Section 1983 according to proof, as well as reasonable attorneys fees incurred in pursuing
 19 these claims under 42 U.S.C. Section 1988.

20 33. The individual defendants' conduct was outrageous; it was intentional and
 21 malicious, or at least grossly negligent. Such conduct exhibited a reckless disregard for
 22 Plaintiffs' rights, causing Plaintiffs humiliation and mental anguish. Plaintiffs are therefore
 23 entitled to punitive damages against Defendants, according to proof.

FOURTH CLAIM FOR RELIEF

(Violation of Rights under the California Constitution)

(All Defendants)

1 34. Plaintiffs refer to and incorporate herein Paragraphs 1 through 33 above.
2

3 35. By implementing the zoning restriction pertaining to body art establishments
4 as described herein above, defendants have violated plaintiffs' right to freedom of expression,
5 and their rights to be free from violations of their equal protection and due process
6 protections under the California Constitution including Article 1, Section 1, Article 1 Section
7(a) and Article 11, Section 7.

7 36. As a direct and proximate result of Defendants' violations of plaintiffs' rights
8 under the California Constitution, plaintiffs have suffered emotional distress and monetary
9 damages including attorney's fees and loss of business.

10 **FIFTH CLAIM FOR RELIEF**

11 **(Request for Declaratory Relief)**

12 37. Plaintiffs refer to and incorporate herein Paragraphs 1 through 36 above.

13 38. An actual controversy exists between the plaintiffs and the defendants herein
14 as to whether defendants have violated plaintiffs' constitutional rights by effectively banning
15 tattoo art establishments in the CITY through zoning restrictions that have no rational basis.

16 39. Plaintiffs herein desire a judicial determination of the rights and duties of
17 defendants, and of their compliance or non-compliance with plaintiffs' constitutional rights.
18 Such a declaration is necessary and proper at this time in order that plaintiffs' rights under the
19 constitution can be protected and so that plaintiffs do not suffer any more damages under the
law.

20 **FIFTH CLAIM FOR RELIEF**

21 **(Request for Injunctive Relief)**

22 40. Plaintiffs refer to and incorporate herein Paragraphs 1 through 39 above.

23 41. Preliminary and permanent injunctions are appropriate remedies because
24 Plaintiffs are suffering irreparable injury and have no plain, speedy or adequate remedy at
25 law. Money damages will not adequately compensate Plaintiffs for the denial of their
26 constitutional rights and civil liberties. Injunctive relief is also appropriate because it will
27 eliminate the multiplicity of lawsuits likely to ensue from Defendants' ongoing unlawful
28 conduct (enforcement of an unconstitutional ordinance), which affects not only the Plaintiffs

but others similarly situated.

DEMAND FOR JURY TRIAL

42. Plaintiffs demands a trial by jury on the above claims for relief.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs prays for the following relief as to these alleged violations of their civil rights:

- A. A judgment awarding Plaintiffs general and special damages plus prejudgment interest in amounts according to proof;
 - B. A judgment awarding punitive damages against the individual Defendants according to proof;
 - C. A judgment for injunctive relief to prevent further violation of Plaintiffs' constitutional rights;
 - D. A judgment awarding Plaintiffs' reasonable attorneys fees;
 - E. A judgment awarding Plaintiffs' costs of suit;
 - F. A judgment invalidating the applicable portions relating to body art facilities of Watsonville Municipal Code Title 14, Chapter 27 and Title 14 Chapter 14-16.1203 as unconstitutional; and
 - G. Such other and further relief as the Court deems proper.

LAW OFFICES OF KATE WELLS

Dated: March 10, 2008

By: Kate Wells
KATE WELLS, Attorney for Plaintiffs
GEOFFREY WELLS and JETZEN DICKELE

CIVIL COVER SHEET

The JS-Cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, nor do they provide by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

GEOFFREY WELLS AND JETZEN
DICKEL

E-FILING

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF SANTA CRUZ
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS CITY OF WATSONVILLE; CITY COUNCIL MEMBER/MAYOR KIMBERLY PETERSEN; CITY COUNCIL MEMBERS MANUEL BERSAMA, OSCAR RIOS, ANTONIO RIVAS; GREG CAPUT, DALE SKILLICORN; CITY DIRECTOR JOHN DOWDY AND DOES 1-15

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT

SANTA CRUZ

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

KATE WELLS (831)479-4475
2600 FRESNO ST.
SANTA CRUZ, CA 95062

ATTORNEYS (IF KNOWN)

C08 01382

RS

II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

 1 U.S. Government Plaintiff 3 Federal Question
(U.S. Government Not a Party) 2 U.S. Government Defendant 4 Diversity
(Indicate Citizenship of Parties in Item III)**III. CITIZENSHIP OF PRINCIPAL PARTIES**

(For Diversity Cases Only)

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

PTF DEF

PTF DEF

Citizen of This State

 1 1

Incorporated or Principal Place of Business In This State

 4 4

Citizen of Another State

 2 2

Incorporated and Principal Place of Business In Another State

 5 5

Citizen or Subject of a Foreign Country

 3 3

Foreign Nation

 6 6**IV. NATURE OF SUIT** (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury — Med. Malpractice	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury — Product Liability	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 820 Copyrights	
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	PERSONAL PROPERTY	<input type="checkbox"/> 830 Patent	
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 840 Trademark	
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 440 Deportation	
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 480 Selective Service	
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 550 Securities/Commodities/ Exchange	
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 675 Customer Challenge 12 USC 3410	
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	<input type="checkbox"/> 681 HIA (1385f)
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 682 Black Lung (923)	
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	HABEAS CORPUS:	<input type="checkbox"/> 683 DIWC/DIWV (405(g))	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 684 SSID Title XVI	
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 685 RSI (405(g))	
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 446 Other Civil Rights	<input type="checkbox"/> 540 Mandamus & Other	FEDERAL TAX SUITS	
<input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
		<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 871 IRS — Third Party 26 USC 7609	
				<input type="checkbox"/> 890 Other Statutory Actions

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or ReopenedTransferred from
5 another district
(specify) 6 Multidistrict LitigationAppeal to District Judge from
7 Magistrate Judgment**VI. CAUSE OF ACTION**(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE.
DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

42 USC § 1983 ACTIONS FOR DAMAGES & INJUNCTIVE RELIEF

VIOLATION OF 1st & 14th AMENDMENTS THROUGH ZONING RESTRICTIONS OF TATTOO STUDIO

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION
 UNDER F.R.C.P. 23DEMAND \$ ACCORDING TO PROOF JURY DEMANDS YES NO
CHECK YES only if demanded in complaint.**VIII. RELATED CASE(S)** (See instructions:
IF ANY)

JUDGE _____

DOCKET NUMBER _____

IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2)
(PLACE AN "X" IN ONE BOX ONLY) SAN FRANCISCO/OAKLAND SAN JOSE

DATE

3/10/08

SIGNATURE OF ATTORNEY OF RECORD